

SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT: Lawson Landing Rezone from R-1 to R-AH

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Dori DeBord

CONTACT: Austin Watkins

EXT:

MOTION/RECOMMENDATION:

1. Approve a request and enact an ordinance to rezone 9.90 ± acres, located northwest of 22nd Street and Jones Avenue, from R-1 (Single-Family Dwelling) to R-AH (Affordable Housing Dwelling), approve the attached Development Order, and authorize the Chairman to execute the aforementioned documents, per staff findings; (R & K Construction, Kevin Roy, applicant); or
2. Deny the request to rezone 9.90 ± acres, located northwest of 22nd Street and Jones Avenue, from R-1 (Single-Family Dwelling) to R-AH (Affordable Housing Dwelling), and authorize the Chairman to execute the attached Denial Development Order; (R & K Construction, Kevin Roy, applicant); or
3. Continue the item to a time and date certain.

District 5 Brenda Carey

Austin Watkins

BACKGROUND:

The applicant is requesting a rezone from R-1 (Single-family Dwelling) to R-AH (Affordable Housing Dwelling) on approximately 9.90 ± acres, located northwest of 22nd Street and Jones Avenue. The requested zoning will allow approximately 60 lots that are a minimum of 3,600 square feet for single-family dwellings. Although the Future Land Use of the subject property is Low Density Residential, Vision 2020: The Seminole County Comprehensive Plan, Policy FLU 10.1 allows the net density of the Low Density Residential Future Land Use designation to be up to 7 dwelling units per net buildable acre, if this request is approved and the standards of the R-AH zoning classification are met.

Section 30.289 of the Seminole County Land Development Code requires that a minimum of at least 40% of the development be made available to low income households and no less than 100% of the development be made available to low and moderate income households. The following numbers are provided as an example of the maximum sale prices allowed: for very low income, \$193,000; for low income, \$224,000; and for moderate income, \$242,000. Section 30.290 of the Seminole County Land Development Code requires an executed affordability agreement in a format that is acceptable to the County. The attached Development Order serves as the affordability agreement.

PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:

The Planning and Zoning Commission met on December 5, 2007 and voted unanimously (6-0) to recommend approval of the request to rezone 9.90 ± acres, located northwest of 22nd

Street and Jones Avenue, from R-1 (Single-Family Dwelling) to R-AH (Affordable Housing Dwelling), and to recommend approval of the Development Order.

STAFF RECOMMENDATION:

Staff recommends the Board approve the request to rezone 9.90 ± acres, located northwest of 22nd Street and Jones Avenue, from R-1 (Single-family Dwelling) to R-AH (Affordable Housing Dwelling), and recommends approval of the attached Development Order.

ATTACHMENTS:

1. Staff Analysis
2. Location Map
3. Zoning and Future Land Use Map
4. Aerial Map
5. Approval Development Order
6. Rezone Ordinance
7. December 5, 2007 P&Z Minutes
8. Ownership Disclosure Form

Additionally Reviewed By:

☒ County Attorney Review (Kathleen Furey-Tran)

Lawson Landing Rezone		
APPLICANT	R & K Construction, Kevin Roy	
PROPERTY OWNER	Ricardo, Henry & Rose Gilmore	
REQUEST	Rezone from R-1 (Single-Family Dwelling) to R-AH (Affordable Housing Dwelling)	
PROPERTY SIZE	9.90 ± acres	
HEARING DATE (S)	P&Z: December 5, 2007	BCC: January 22, 2008
PARCEL ID (S)	34-19-30-503-0F00-0010; 34-19-30-503-0H00-0240	
LOCATION	Located northwest of 22 nd Street and Jones Avenue	
FUTURE LAND USE	Low Density Residential (LDR)	
ZONING	R-1 (Single-Family Dwelling)	
FILE NUMBER	Z2007-70	
COMMISSION DISTRICT	#5 - Carey	

Proposed Development:

The applicant is proposing an Affordable Housing subdivision consisting of detached single-family homes. The applicant intends to layout the subdivision for conventional lot single-family homes and zero lot line single-family homes.

ANALYSIS OVERVIEW:

ZONING REQUEST

The following tables depict the minimum regulations for the current zoning district of R-1 (Single-family Dwelling) and the requested district of R-AH (Affordable Housing Dwelling):

DISTRICT REGULATIONS	Existing Zoning (R-1)	Proposed Zoning (R-AH)
Minimum Lot Size	8,400 square feet	3,600 square feet
Minimum House Size	700 square feet	700 square feet
Minimum Width at Building Line	70 feet	40 feet
Front Yard Setback	25 feet	20 feet
Side Yard Setback	7.5 feet	5 feet 0 foot for one side and 10 feet for opposite side*
Side Street Setback	25 feet	15 feet
Rear Yard Setback	30 feet	15 feet
District Boundary Yard Setback	N/A	20 feet
Maximum Building Height	35 feet	35 feet

* 0 FOOT SIDE YARD SETBACK IS UTILIZING THE ZERO LOT LINE DWELLING

PERMITTED & SPECIAL EXCEPTION USES

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Uses	R-1 (Single-Family Dwelling)	R-AH (Affordable Housing Dwelling)
Permitted Uses	Single-Family dwelling units, Community residential homes (group homes and foster care facilities), public and private elementary schools, and home office.	Single-family detached dwelling, duplex, triplex, or zero lot line dwelling structures including customary accessory uses, day nurseries, kindergartens and group homes, and home offices.
Special Exception Uses	Churches with attendant educational and recreational buildings, public and private middle and high schools, parks, public utility and service structures, guest cottages, subdivision sewage treatment and water plants, day nurseries or kindergartens, guest or tourist homes, off-street parking facilities, assisted living facilities, and communication towers.	N/A

COMPATIBILITY WITH SURROUNDING PROPERTIES

The surrounding area has the Low Density Residential Future Land Use designation and is assigned the R-1 zoning classification. The R-AH zoning classification allows for a minimum lot size of 3,600 square feet for single-family dwellings. The R-1 and R-AH zoning district requires the same minimum house size of 700 square feet. The R-AH zoning classification requires a minimum Boundary Yard Setback of 20 feet which is 10 feet less than the surrounding zoning requirements. The character of the area has significantly changed due to the location of SR 417 and the Airport Boulevard expansion (Bever Rd), which are directly west of the subject property. The improvements to the transportation network warrant a more intense use of the property.

The Low Density Residential (LDR) Future Land Use (FLU) designation allows for a maximum density of 4 dwelling units per net buildable acre. Vision 2020: The Seminole County Comprehensive Plan allows for a maximum density of 7 dwelling units per net buildable acre in the LDR FLU if at least 40% of the proposed development is made available to low income and no less than 100% is made available for low and moderate income families, per FLU Policy 10.1 and the Seminole County Land Development Code (SCLDC) Section 30.289.

Vision 2020, Policy HSG 1.6 indicates that the County shall encourage Plan amendments for medium to high density residential development on infill parcels where:

- A. Parcels front on collector or arterial roadways and are located near shopping, school and work uses; and
- B. Parcels are sufficient size to permit development plans to adequately buffer higher density uses from surrounding lower density residential development.

The request is not a land use amendment, but would result in a net increase of intensity from a maximum of 4 to 7 dwelling units per net buildable acre. Staff finds that the request meets the intent of Policy HSG 1.6 due to the following area conditions:

1. Parcel has direct frontage on Bevier Road. Access to Bevier Road, which is classified as an arterial roadway is via Jones Avenue and 20th Street. The distance from the proposed access point to Bevier Road is approximately .2 miles via Jones Avenue and 22nd St. Access to Airport Blvd, which is classified as an arterial roadway is via Jones Avenue and 22nd St and is approximately .1 mile.
2. The parcel is located within a 1.5 radial mile distance of Goldsboro Elementary, Idyllwilde Elementary, Rays of Hope Character Academy, Millennium Middle School, Sanford Middle School, Seminole High School and Crooms Academy of Information Technology.
3. The parcel is located within a 1.5 radial mile distance of major employment centers, such as the industrial and business parks located off of Airport Blvd, St. John's Parkway and SR 46. Additionally, retail uses are located near the subject property on CR 46A (25th Street), Southwest Road, Airport Blvd, US 17-92 (French Ave) and SR 46.

The increase of density from a maximum of 4 to 7 dwelling units per net buildable acre is consistent with the surrounding area's development pattern. The character of the area and property has significantly changed with the recent improvements to Airport Boulevard and does warrant a more intense use of the property.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map with an effective date of 2007, there appears to be 0.5-acres of floodplain on or adjacent to the subject property.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there are not endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant

has elected to defer Concurrency Review at this time. The applicant will be required to undergo Concurrency Review prior to final engineering approval.

Utilities:

The site is located in the City of Sanford's utility service area, and will be required to connect to public utilities. There is a 10-inch water main on the west side of W. Airport Blvd., a 12-inch force main on the north side of Country Club Rd., and a 14-inch reclaimed water main on the south side of Country Club Rd.

Transportation / Traffic:

The property proposes access onto 20th Street, which is classified as a local road. 20th Street is currently operating at a level-of-service "A" and does not have improvements programmed in the County 5-year Capital Improvement Program.

School Impacts:

The Seminole County Public School District has prepared an analysis which is included as an attachment to this report.

Drainage:

The proposed project is located within the Lake Monroe Drainage Basin, and has limited downstream capacity. The site will have to be designed to retain the post-development minus pre-development volumetric difference for the 25-year, 24-hour storm event and discharge it slowly over 14-days.

Parks, Recreation and Open Space:

The Seminole County Land Development Code requires a minimum 30% open space, per Section 30.1344.

Buffers and Sidewalks:

The applicant is not proposing any buffers. The applicant is required to build a sidewalk interior to their subdivision and for any improvements on exterior roadways.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

This project does not warrant running the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS

The subject property is not located within any special district or overlay.

COMPREHENSIVE PLAN (VISION 2020)

The County's Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through the management of growth, provision of adequate public services and the protection of natural resources.

The proposed project is consistent with the following list of policies (there may be other provisions of the Comprehensive Plan that apply that are not included in this list):

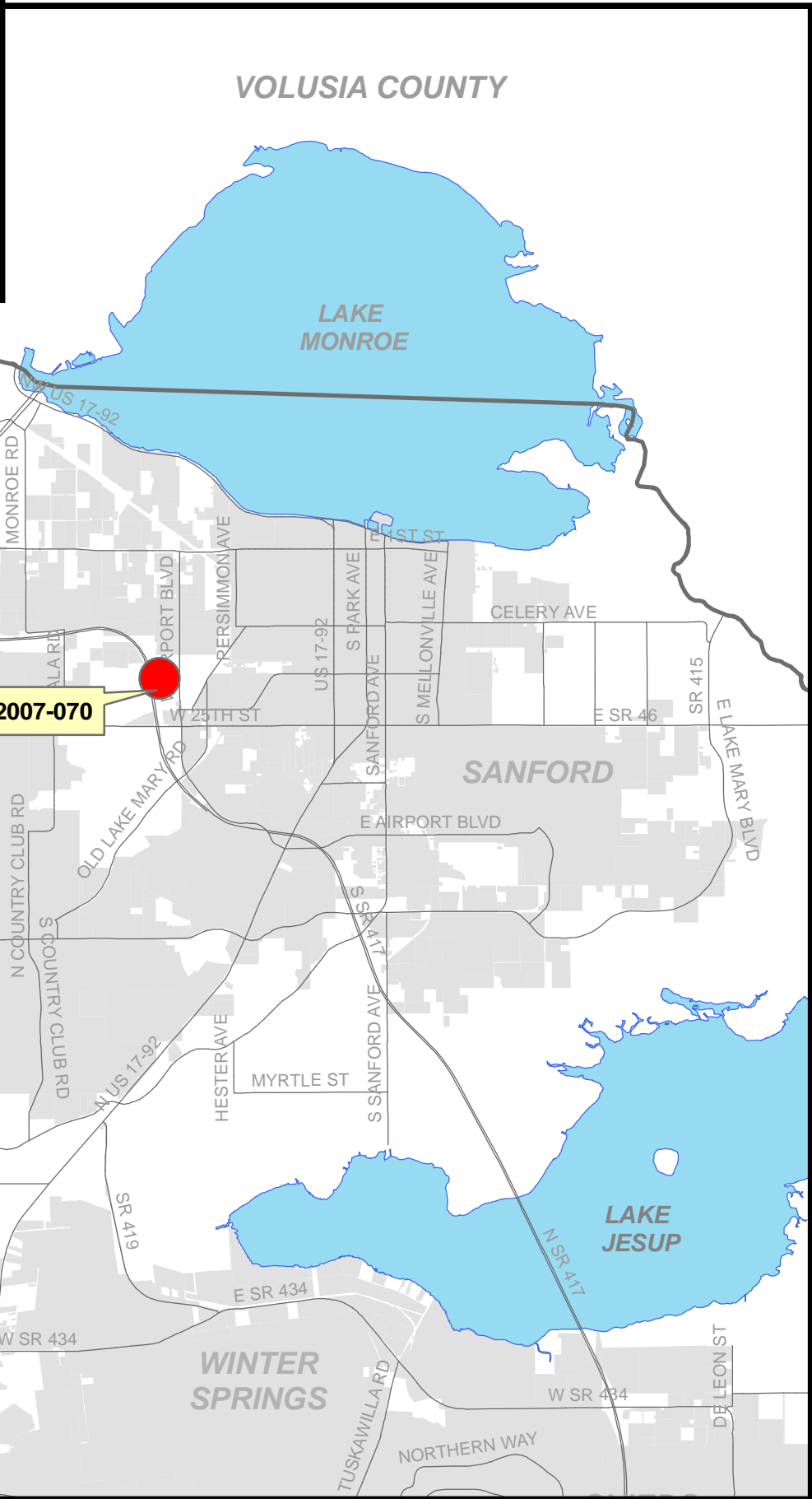
Policy FLU 10.1:	Affordable Housing Density Bonus
Policy FLU 12.4:	Relationship of Land Use to Zoning Classifications
Policy FLU 12.5:	Evaluation Criteria of Property Rights Assertions
Policy HSG 1.6:	Infill Development
Policy HSG 2.5:	Development Compatibility Standards
Policy HSG 3.3:	Affordable Housing Density Bonus
Policy PUB 2.1:	Public Safety Level-of-Service
Policy POT 4.5:	Potable Water Connection
Policy SAN 4.4:	Sanitary Sewer Connection
Policy TRA 5.6:	Transportation/Affordable Housing Coordination

INTERGOVERNMENTAL NOTIFICATION:

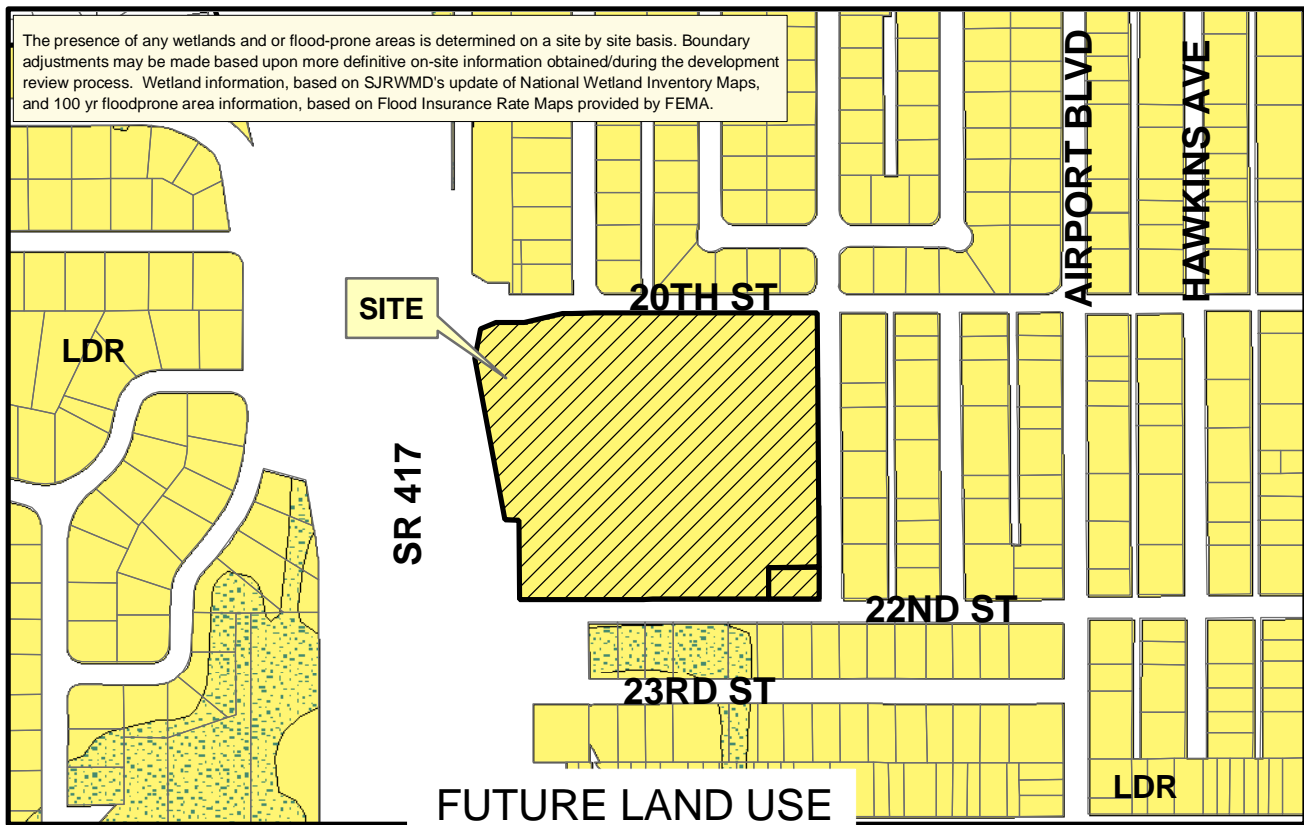
An intergovernmental notice was sent to the Seminole County School Board on November 15, 2007 and they have provided a School Capacity Analysis, which is attached.

LETTERS OF SUPPORT OR OPPOSITION:

Staff has not received any letters of concern for this application.



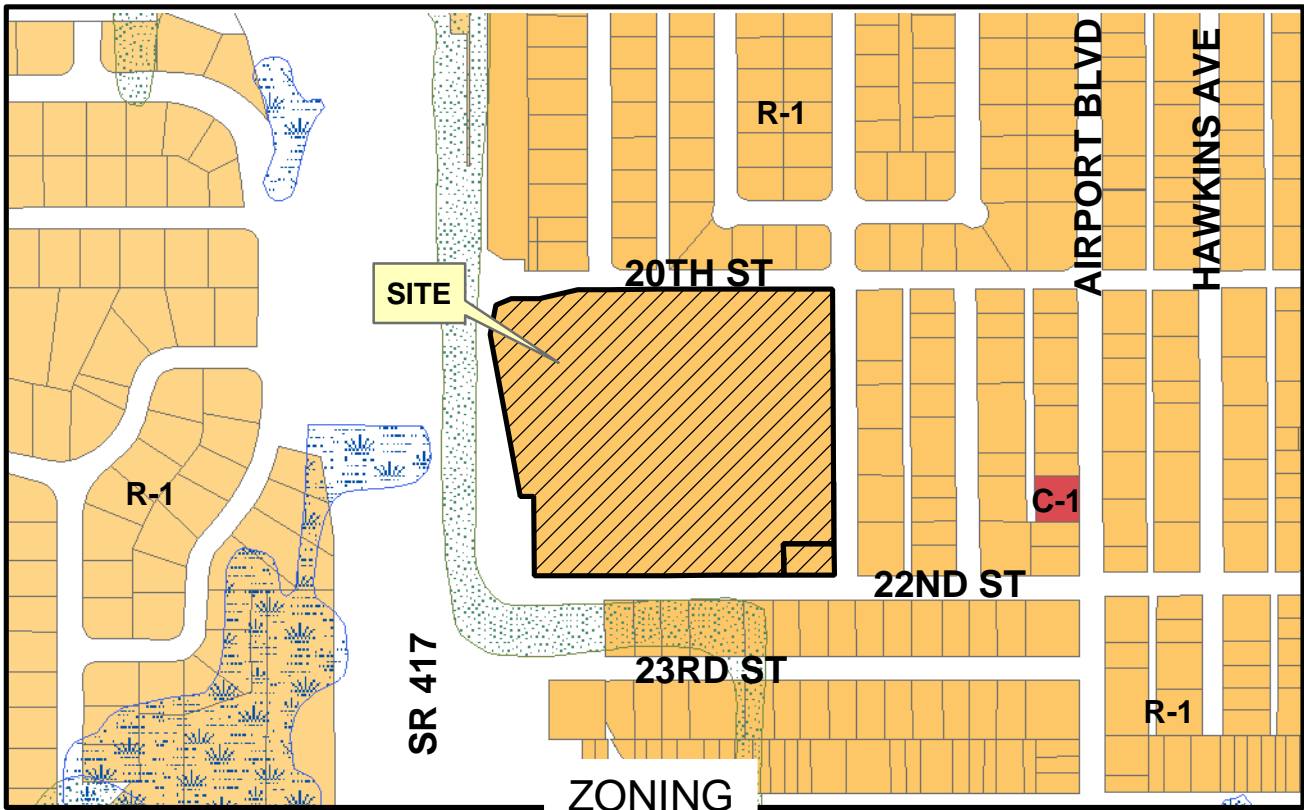
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



LDR
 Site
 CONS
 Municipality

Applicant: Kevin Roy
 Physical STR: 34-19-30-503-0F00 -0010 & 0H00 - 0240
 Gross Acres: 9.90 +/- BCC District: 5
 Existing Use: LDR
 Special Notes: _____



	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-070	R-1	R-AH



R-1
 R-1A
 FP-1
 W-1



Rezone No: Z2007-070
 From: R-1 To: R-AH

-  Parcel
-  Subject Property



Winter 2006 Color Aerials

SEMINOLE COUNTY DEVELOPMENT ORDER

On January 22, 2008 Seminole County issued this Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

(The aforementioned legal description has been provided to Seminole County by the owner of the subject property.)

FINDINGS OF FACT

Property Owner(s): Ricardo, Henry & Rose Gilmore

Project Name: Lawson Landing Rezone

Requested Development Approval: Rezone from R-1 (Single-family Dwelling) to R-AH (Affordable Housing Dwelling)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Austin Watkins
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) This Development Order shall serve and operate as the affordability agreement required as a submittal by Section 30.290, Land Development Code of Seminole County.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - A. Maximum sale purchase or lease prices shall not exceed the affordability prices referenced in Condition B of this development order and guidelines set forth in the SHIP State Regulations and the SHIP Local Housing Assistance Plan.
 - B. In accordance with Section 30.289, Land Development Code of Seminole County, the owner hereby covenants and agrees that all (100%) of the dwelling units constructed will be made available to low and moderate income households. No less than forty percent (40%) of the dwelling units provided shall be made available for lease or purchase by low income households.
 - C. The income levels shall be determined by the SHIP Local Housing Assistance Plan (LHAP), Section II and III. Further, the definition of "affordability" and "affordable housing" shall be based upon the SHIP Local Housing Assistance Plan (LHAP).
 - D. The developer shall provide documentation proving that the purchaser or lessee of the dwelling units meet the income guidelines, as established by the R-AH zoning classification and this development order. Documentation shall include, but not be limited to, affidavits by each initial purchaser or lessee indicating that they meet the established income guidelines, executed contracts for purchase or executed lease agreements. The documentation shall be provided to the County's Planning Division after every 10 homes are sold or leased.
 - E. The developer will record restrictive covenants for each parcel restricting the use of the property to very low, low or moderate income households in accordance with paragraph B above for a period of no less than 10 years to ensure that the future sales or leases of the dwelling units will be to families of the same income category (very low, low or moderate income) as the original purchase or lease.
 - F. In the event that the developer violates the terms and conditions of this development order the developer shall pay a penalty to the County. The penalty

shall be in the amount of the net profit resulting to the developer from each unit sold in violation of the conditions set forth herein or \$10,000 per unit, whichever is greater.

- G. The Developer shall agree to the conditions of this development order. Exhibit "B" shall indicate the developer's agreement to this development order.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD
OF COUNTY COMMISSIONERS**

By: _____
Brenda Carey, Chairman

OWNERS' CONSENT AND COVENANT

COMES NOW, the owner, Henry Gilmore, on behalf of itself and its heirs agents, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Commitment Agreement.

WITNESSES:

OWNER:

Print Name:_____

Henry Gilmore

Print Name:__________
Henry Gilmore

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2007, by _____, as _____, who is personally known to me or who has produced _____ as identification.

Notary Public_____
(Name of Notary, typed, printed or stamped)
My Commission Expires:

OWNERS' CONSENT AND COVENANT

COMES NOW, the owner, Ricardo Gilmore, on behalf of itself and its heirs agents, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Commitment Agreement.

WITNESSES:

OWNER:

Print Name:_____

Ricardo Gilmore

Print Name:_____

Ricardo Gilmore

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2007, by _____, as _____, who is personally known to me or who has produced _____ as identification.

Notary Public

(Name of Notary, typed, printed or stamped)
My Commission Expires:

OWNERS' CONSENT AND COVENANT

COMES NOW, the owner, Rose Gilmore, on behalf of itself and its heirs agents, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Commitment Agreement.

WITNESSES:

OWNER:

Print Name:_____

Rose Gilmore

Print Name:_____

Rose Gilmore

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2007, by _____,
as _____, who is personally known to me or who has
produced _____ as identification.

Notary Public

(Name of Notary, typed, printed or stamped)
My Commission Expires:

EXHIBIT "A"**Legal Description****PARCEL I:**

Lots 1 to 24 incl., Block F, TOGETHER WITH vacated alley lying within said Block F, Less that part deeded to Seminole County, Florida, by deed recorded in Official Records Book 4424, page 1856; Lots 1 to 24 incl., Block G, TOGETHER WITH vacated alley lying within said Block G; and Lots 1 to 24 incl., Block H, TOGETHER WITH vacated alley lying within said Block H, LESS the East ½ of vacated alley lying West of Lot 24, 1ST ADDITION TO LOCKHART'S SUBDIVISION, TOGETHER WITH vacated Myers Avenue lying between said Block F and Block G and vacated Adkins Avenue lying between said Block G and H, according to plat thereof recorded in Plat Book 4, page 26, public records of Seminole County, Florida.

LESS and EXCEPT right-of-way along the West and Northwest for Airport Boulevard Extension as per Official Records Book 4441, Pages 1925 thru 1926 of the public records of Seminole County, Florida.

-AND-

PARCEL II:

Lot 24, Block h, 1ST ADDITION TO LOCKHART'S SUBDIVISION, according to plat thereof recorded in Plat Book 4, Page 26, TOGETHER WITH the East 1/2 of vacated alley abutting on the West side thereof.

DEVELOPMENT ORDER #

07-20000014

EXHIBIT "B"



November 19, 2007

Austin Watkins
Project Manager
Seminole County Government
Planning Division
1101 East 1st Street
Sanford, Florida 32771

RECEIVED NOV 19 2007

Re: Letter for affordability agreement

Dear Mr. Watkins

This shall serve as the developer's consent to agree to the Development Order/Affordability Agreement. The development order in reference is 07-20000014 dated January 22, 2008. R and K Construction agrees that all dwelling units will be sold or rented at a price that is affordable to households of low and moderate income and at least 40% of all dwelling units will be sold or rented at a price affordable to households of low income. The income limits will be determined by the area median income (AMI) as set by HUD and the SHIP Local Housing Assistance Plan (LHAP).

R&K will also consider, and desires to explore the possibilities of developing a joint partnership with the county under its Vision 2020 Comprehensive Plan "Objective Housing 4 Public Private Partnership Program" to include the offering of affordable dwelling units to households with very low and low income households on this project, provided that any available funds through federal and state housing subsidy programs, or the County's Affordable Housing Trust Fund can subsidize different elements of this project as stated in its HSG 4.1 policy, and that this consideration would not effect the time-line of the rezoning or site plan approval process that is underway for this property.

Should you have any questions or need additional information please feel free to contact me at your earliest convenience at 407-268-3701

Sincerely,

Kevin Roy
Managing Partner

E x p e r i e n c e m a k e s a d i f f e r e n c e . . .



AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE R-1 (SINGLE-FAMILY DWELLING) ZONING CLASSIFICATION THE R-AH (AFFORDABLE HOUSING DWELLING) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Lawson Landing Rezone."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from R-1 (Single-family Dwelling) to R-AH (Affordable Housing Dwelling):

SEE ATTACHED EXHIBIT A

Section 3. EXCLUSION FROM CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon the date of filing with the Department and recording of Development Order #07-20000014.

ENACTED this 22nd day of January 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda Carey, Chairman

EXHIBIT "A"
LEGAL DESCRIPTION:

PARCEL I:

Lots 1 to 24 incl., Block F, TOGETHER WITH vacated alley lying within said Block F, Less that part deeded to Seminole County, Florida, by deed recorded in Official Records Book 4424, page 1856; Lots 1 to 24 incl., Block G, TOGETHER WITH vacated alley lying within said Block G; and Lots 1 to 24 incl., Block H, TOGETHER WITH vacated alley lying within said Block H, LESS the East ½ of vacated alley lying West of Lot 24, 1ST ADDITION TO LOCKHART'S SUBDIVISION, TOGETHER WITH vacated Myers Avenue lying between said Block F and Block G and vacated Adkins Avenue lying between said Block G and H, according to plat thereof recorded in Plat Book 4, page 26, public records of Seminole County, Florida.

LESS and EXCEPT right-of-way along the West and Northwest for Airport Boulevard Extension as per Official Records Book 4441, Pages 1925 thru 1926 of the public records of Seminole County, Florida.

-AND-

PARCEL II:

Lot 24, Block h, 1ST ADDITION TO LOCKHART'S SUBDIVISION, according to plat thereof recorded in Plat Book 4, Page 26, TOGETHER WITH the East 1/2 of vacated alley abutting on the West side thereof.

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
DECEMBER 5, 2007
7:00 P.M.**

Members present: Matthew Brown, Dudley Bates, Walt Eismann, Rob Wolf, Melanie Chase, and Ben Tucker

Member absent: Kim Day

Also present: Dori DeBord, Director of Planning and Development; Alison Stettner, Planning Manager; Tina Williamson, Asst. Planning Manager; Ian Sikonia, Senior Planner; Cynthia Sweet, Senior Planner; Austin Watkins, Senior Planner; James Potter, Senior Engineer; Kathy Furey-Tran, Assistant County Attorney; and Candace Lindlaw - Hudson, Clerk to the Commission.

Lawson Landing Rezone: R&K Construction LLC/ Kevin Roy, applicant; 9.90 ± acres; Rezone from R-1 (Single Family Dwelling) to R-AH (Affordable Housing); located on the northwest corner of 22nd Street and Jones Avenue. (Z2007-70)

Commissioner Carey – District 5
Austin Watkins, Senior Planner

Austin Watkins introduced the application for a rezone from R-1 (Single Family Dwelling District) to R-AH (Affordable Housing). The proposed zoning would allow for a broader variety of affordable housing and work force housing within the County. The future land use designation on the property is Low Density Residential which normally allows for a maximum net buildable density of 4 dwelling units per acre. However, if the R-AH building requirements are met, the County Comprehensive Plan, Future Land Use Policy Section 10.1 allows for an increase of up to 7 dwelling units per net buildable acre. County Affordability parameters must be adhered to as well.

Mr. Watkins stated that the Seminole Comprehensive Plan Policy on Housing 1.6 states that the County shall encourage plan amendments from medium to high density residential on infill parcels where parcels front on collector or arterial right-of-ways and are located near shopping, schools, and work uses and that the parcels are of sufficient size to allow development plans to adequate buffer from surrounding lower density developments. Staff finds that this request fills the basic requirements for Policy HSG 1.6. The surrounding zoning is R-1, which requires a minimum lot size of 8,400 square feet; the R-AH district requires a minimum lot size of 3,600 square feet for detached single family houses. The R-AH district requires a boundary setback on exterior properties to create a buffer from the surrounding single-family district.

Further requirements of the Seminole County Land Development Code Section 30.289 state that 40% of the development be available to low income and no less than 100% be available to moderate income. The maximum sale prices are set by the Seminole County SHIP Local Housing Assistant Plan. Mr. Watkins then reviewed the pricing options and formulas for qualification based on area median income (AMI) for purchase of the homes in the proposed subdivision. An affordability agreement shall be submitted with the application for purchase.

The Development Order shall serve as the affordability agreement per Section 30.289 of the Seminole County Land Development Code. One of the Development Order requirements states that an affidavit shall be submitted certifying that the house was sold within the affordability parameters of the agreement. Also the houses will be sold or rented to qualified families for a period of no less than 10 years. This will keep the properties from being purchased and then resold for profit. Monetary penalties are included in the development agreement if the conditions are not met.

Minor changes to the development order include:

Page 2 – condition E: Add the words “very low “ before “low” or moderate.

Staff recommendation is for approval of the request for rezone from R-1 (Single Family Residential) to R-AH (Affordable Housing) located on the northwest corner of 22nd Street and Jones Avenue and approval of the development order.

Jim Dumbrowsky was present for the applicant and concurred with staff recommendations.

Charles Cash, Jr. of 3300 W. 20th Street said that he had questions on the density. This is in the middle of single family homes. He lives across from the site of the application. He is concerned about the traffic in the area and would like to have more information. At present he would be opposed to this application.

Lilli Roberson of 218 Brightview Drive said that she owns rental property across from the site of the application. She wanted to know more about the definition of affordable housing.

Mr. Watkins stated that the net density on the project is 7 homes per net buildable acre. Mr. Watkins stated that the applicant is requesting single family houses, as shown on their Preliminary Subdivision Plan. There will be conventional and zero lot line plans used.

Commissioner Wolf stated that the house sizes in the development will be the same as those found in the area. Only the lot sizes are being reduced. With smaller lots, more houses can go into the neighborhood.

Mr. Watkins stated that they are planning for 60 homes, depending on how the lot lines are drawn.

Commissioner Wolf asked how many homes could have gone in with the R-1 zoning.

Mr. Watkins stated that approximately 40 homes would be built with R-1 zoning.

Commissioner Eismann added that the new zoning will restrict the sale price of the homes.

Ms. Roberson asked what the sale prices of the homes would be.

Mr. Watkins stated that the prices would be as established by the local SHIP office: \$193,000 for very low income, \$234,000 for low income, and \$242,000 for moderate income. For a family of 4: very low income is considered to be \$28,700 per year; for a family of 4 with low income: \$45,900; and moderate income is considered to be \$68,880.

Commissioner Wolf asked about resale conditions.

Commissioner Brown said that a recommendation was made for the house to be kept for a period of no less than 10 years.

Mr. Watkins said that if the home is sold before the 10-year period, the home would have to be sold to someone in the same income category.

Ms. Roberson asked if the program was like Habitat for Humanity.

Ms. Williamson stated that it was the same intent – to keep things affordable.

Ms. Roberson asked what kind of houses they would be. Would they be townhomes?

Mr. Dumbrowsky said that the homes would be single-family detached homes. As for the traffic on 20th Street, it will be brought up to County standards.

Kevin Roy said that 20th Street is a 24-foot wide street. The Jones Avenue is a 20 foot street which will be widened to 24 feet. The exit from the subdivision will be onto Jones.

Justin Roberson asked about the water use. He lives at 2015 Jones Avenue and is on well water. What will the new development do for water.

Mr. Watkins said that the applicant will be required to tie in to the City of Sanford service for water and sewer.

Mr. Roberson asked if the whole area would be required to hook in to the system.

Commissioner Brown said that those outside the subdivision would not be required to tie in to the City water lines.

Commissioner Tucker asked Mr. Watkins about the location of the proposed development being adjacent to a major collector roadway.

Mr. Watkins said that while it does not have direct access to Airport Boulevard; its proximity to the requisite criteria qualifies it.

Commissioner Tucker said that it was a subjective view.

Mr. Watkins said that the Comprehensive Plan requires frontage on a collector road, which this project has. The project will not be accessing the collector directly.

Commissioner Tucker said that the intent was to have direct access. Commissioner Tucker asked if Mr. Watkins had statistics on the amount of owner occupied parcels in the area.

Mr. Watkins did not have that information.

Ms. Williamson said that such information was not required by the Land Development Code.

Commissioner Tucker was also looking to see the minimum requirements for a 4 person dwelling for the size of bedrooms and minimum number of baths.

Ms. Williamson stated that the criterion used come from the Land Development Code and the Comprehensive Plan.

Commissioner Eismann made a motion to recommend approval of the rezone of 9.90 ± acres from R-1 (Single Family Residential) to R-AH (Affordable Housing); located on the northwest corner of 22nd Street and Jones Avenue and recommend approval for the development order, including the amendments introduced tonight.

Commissioner Chase seconded the motion.

The motion passed 6 – 0.

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07- _____:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address. ~~# 34-19-30-503-0F06-0010~~

Name: Ricardo L. Gilmore + Rose G. Dennum Name: _____

Address: 2220 N. Riverside Dr. Tampa, FL 33602 Address: _____

Phone #: 813-314-4502 Phone #: _____

~~# 34-19-30-503-0400-0240~~

Name: Ricardo L. Gilmore + Henry F. Gilmore Name: _____

Address: 2220 N. Riverside Dr. Tampa, FL 33602 Address: _____

Phone #: 813-314-4502 Phone #: _____

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: N/A Name of Corporation: _____

Officers: _____ Officers: _____

Address: _____ Address: _____

Directors: _____ Directors: _____

Address: _____ Address: _____

Shareholders: _____ Shareholders: _____

Address: _____ Address: _____

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: N/A Name of Trust: _____

Trustees: _____ Beneficiaries: _____

Address: _____ Address: _____

(Use additional sheets for more space.)

SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT

4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: N/A Name of Partnership: _____
Principal: _____ Principal: _____
Address: _____ Address: _____
(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: RHK Construction Group, LLC Contract Vendee: _____
Name: 10006 West 25th St Name: _____
Address: Sanford, FL 32771 Address: _____
Address: Kevin Roy Address: _____
(Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.

7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

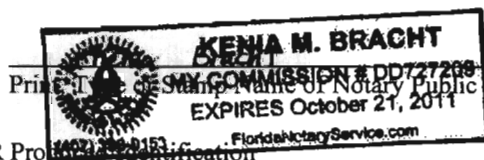
11/21/07
Date

Kevin Roy
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 21st day of November, 2007 by _____

Kenia M. Bracht
Signature of Notary Public



Personally Known no OR Probable Cause no
Type of Identification Produced _____

For Use by Planning & Development Staff

Date: _____ Application Number: _____